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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,819	10/15/2003	Temple Luke Fulton	2002P20757US01	5268

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Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

PHAM, THOMAS K

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 05/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/685,819

Applicant(s)

FULTON ET AL.

Examiner

Thomas K. Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Amendment

1. This is in response to the request for reconsideration filed 2/27/2006.
2. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Quotations of U.S. Code Title 35

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim Rejections - 35 USC § 102

7. Claims 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,659,705 (“McNutt”).

Regarding claim 11

McNutt teaches the invention including a method for utilizing a memory cartridge connected to a PLC, the memory cartridge comprising a plurality of memory segments, the method comprising a plurality of activities comprising: prompting a user, on a user interface device connected to the PLC (see FIG. 6, “Programming Device 60”), to select for storage in the memory cartridge at least one project file element comprising a user program, a recipe comprising a plurality of input values, each input value from the plurality of input values corresponding to a process variable, a structure of the recipe stored separately from the recipe, a structure of a data log file stored separately from the data log file, and documentation relating to the at least one project file element, the structure of the data log file describing a location in the data log file of each of a plurality of identifying stamps, each identifying stamp comprising at least one of a calendar date and a clock time; and receiving a user input corresponding to a selection of at least one project file element for storage in the memory cartridge is taught as receiving user command to copy a user program into the memory cartridge 52 (see Col. 10 lines 41-60).

Regarding claim 12

McNutt teaches responsive to the user input, providing the at least one project file element to the memory cartridge (see Col. 10 lines 41-60).

Regarding claim 13

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McNutt teaches responsive to the user input, providing a second project file to the memory cartridge comprising the at least one project file element, differing from a first project file stored on the memory cartridge (see Col. 10 lines 41-60).

It should be noted that providing a second project file that is different from the first project file set forth in the claim is given very little patentable weight. In the absent of any new or unexpected results, the second or any additional project file to be stored in the memory cartridge is different or the same with the first project file does not change the scope of applicant's invention.

Claim Rejections - 35 USC § 103

8. Claims 1-7 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,485,590 ("Hyatt") in view of U.S. Patent No. 6,473,749 ("Smith").

Regarding claim 1

Hyatt teaches a machine-readable project file, encoded in a machine-readable medium, related to a process controllable via a PLC, comprising: a user program for controlling the process (see col. 6 lines 60-67); a recipe comprising a plurality of input values, each input value from the plurality of input values corresponding to a process variable (see col. 7 lines 1-4).

Hyatt does not specifically teach a structure of a data log file stored separately from the data log file, the structure of the data log file describing a location in the data log file of each of a plurality of identifying stamps, each identifying stamp comprising at least one of a calendar date and a clock time.

However, Smith teaches a method for managing file content that allows a data structure stored separately from the data file, the data structure includes a storage device identifier and address correlated to the data file (see Col. 10 line 64 to Col. 11 line 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the file management method of Smith with the system of Hyatt because it would provide for the purpose of allowing user to search and identify data structure without editing the data file (see Col. 1 lines 53-58).

Regarding claim 5

Hyatt teaches a method for utilizing a memory cartridge connected to a PLC, the memory cartridge comprising a plurality of memory segments, the method comprising a plurality of activities comprising: providing the memory cartridge, the memory cartridge housing a memory module (see col. 6 lines 55-59, "... program protocol cartridge ROM A1, A2, B1 and B2 ..."); and providing to the memory cartridge a project file comprising a user program (see col. 6 lines 60-67, "... contains the program code for execution ..."), a recipe comprising a plurality of input values, each input value from the plurality of input values corresponding to a process variable (see col. 7 lines 1-4, "... store initialization data for the port program ...").

Hyatt does not specifically teach a structure of a data log file stored separately from the data log file, the structure of the data log file describing a location in the data log file of each of a plurality of identifying stamps, each identifying stamp comprising at least one of a calendar date and a clock time.

However, Smith teaches a method for managing file content that allows a data structure stored separately from the data file, the data structure includes a storage device identifier and address correlated to the data file (see Col. 10 line 64 to Col. 11 line 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the file management method of Smith with the system of Hyatt because it would provide for the purpose of allowing user to search and identify data structure without editing the data file (see Col. 1 lines 53-58).

Regarding claim 14

Hyatt teaches a machine-readable medium having stored thereon a plurality of instructions for using and managing a computer-readable project file on a memory cartridge couplable to a PLC, the project file comprising: a user program for controlling the process (see col. 6 lines 60-67, "... contains the program code for execution ..."); a recipe comprising a plurality of input values, each input value from the plurality of input values corresponding to a process variable (see col. 7 lines 1-4, "... store initialization data for the port program ...").

Hyatt does not specifically teach a structure of a data log file stored separately from the data log file, the structure of the data log file describing a location in the data log file of each of a plurality of identifying stamps, each identifying stamp comprising at least one of a calendar date and a clock time.

However, Smith teaches a method for managing file content that allows a data structure stored separately from the data file, the data structure includes a storage device identifier and address correlated to the data file (see Col. 10 line 64 to Col. 11 line 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the file management method of Smith with the system of Hyatt because it would provide for the purpose of allowing user to search and identify data structure without editing the data file (see Col. 1 lines 53-58).

Regarding claims 2, 6 and 15

Smith teaches a structure data for the data file stored separately from the data file (see Col. 10 line 64 to Col. 11 line 5).

Regarding claims 3, 7 and 16

Hyatt teaches a support document relating to at least one of the user program, the recipe, and the data log file (see Col. 8 lines 19-26).

Regarding claim 4

Hyatt teaches a support document relating to at least one of the user program, the recipe, and the data log file (see Col. 8 lines 19-26), wherein the support document comprises images.

It should be noted that the support document comprises images set forth in the claim is given very little patentable weight. In the absent of any new or unexpected results, support document of Hyatt is similar to the applicant's invention.

9. Claims 8-10 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,659,705 ("McNutt") in view of U.S. Patent No. 5,801,942 ("Nixon").

Regarding claims 8-10 and 17-20

McNutt teaches a method for utilizing a memory cartridge connected to a PLC, the memory cartridge comprising a plurality of memory segments, the method comprising a plurality of

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activities comprising: prompting a user on a user interface device connected to the PLC (see FIG. 6, "Programming Device 60"), information relating to a project file stored in the memory cartridge coupled to the PLC (see Col. 10 lines 41-53); responsive to the user input on the user interface device, information relating to the project file (see Col. 10 lines 53-60); the memory cartridge includes information in a default language (see Col. 9 lines 55-60).

McNutt does not specifically teach prompts a user to select a language to display, displaying information on a user interface in the selected language and receiving a user input corresponding to the selected language.

However, Nixon teaches a process control system includes a user interface that prompt a user to select a control language among a plurality of control languages, displaying on the display of the user interface information in the selected control language and receiving user input corresponding to the selected control language (see Col. 3 line 58 to Col. 4 line 20).

Therefore, It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the selection of control languages of Nixon with the system of McNutt because it would provide for the purpose allowing a single user to tailor various aspects of a system using the most appropriate language for a particular system aspect (see Col. 4 lines 21-27).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (571) 272-3689, Monday - Thursday from 6:30 AM - 5:00 PM EST or contact Supervisor *Mr. Anthony Knight* at (571) 272-3687.

Any response to this office action should be mailed to: **Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450**. Responses may also be faxed to the **official fax number (571) 273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas Pham
Patent Examiner

A handwritten signature in cursive script, appearing to read 'Tom Pham', with a horizontal line underneath.

May 3, 2006